

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: TAGAWA=1

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|----------------------------|---|---------------------------|
| In re Application of:      | ) | Conf. No.: 1884           |
|                            | ) |                           |
| Rikiichi TAGAWA et al      | ) | Art Unit: 1654            |
|                            | ) |                           |
| Appln. No.: 10/552,369     | ) | Examiner: M. M. C. Garcia |
|                            | ) |                           |
| Filed: October 7, 2005     | ) | Washington, D.C.          |
|                            | ) |                           |
| For: PROCESS FOR PREPARING | ) | March 12, 2008            |
| ALBUMIN PREPARATIONS       | ) |                           |

REPLY TO ELECTION OF SPECIES REQUIREMENT

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, Mail Stop Amendments  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicants are in receipt of the office action mailed November 15, 2007, and reply below. A petition for three months' extension of time and petition fee are attached.

Acknowledgement by the PTO of the receipt of applicants' papers filed under §119 would be appreciated.

The PTO has required election of a "single and specific pore size for the virus-removing membrane (e.g., claims 3, 5, 7)". As applicants must make an election even though the requirement is traversed, applicants hereby provisionally and respectfully elect claim 3 drawn to the process of preparing an albumin preparation wherein the virus-

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Response dated March 12, 2008  
Reply to Office action of November 15, 2007

removing membrane has a pore size of 10-20 nm, with traverse and without prejudice. All the claims, namely claims 1-7, read on the elected species, claim 3 being specific and claims 1, 2 and 4-7 being generic.

First, the requirement appears to be predicated on an incorrect reading of the claims, because claims 5 and 7 are **not** different species from claim 3. In this regard, please note that claim 3 recites the pore size of the **membrane**, whereas claims 5 and 7 recite the size of the pores of the **prefilter**. Claim 3 is not mutually exclusive to claims 5 and 7, and vice versa, and thus the requirement is incorrect.

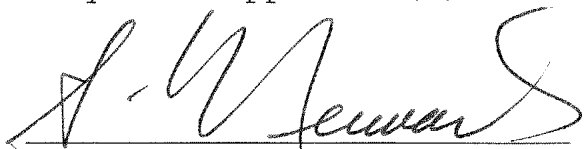
Also, respectfully, applicants do not accept that there is any lack of unity of invention under the applicable PCT Rules 13.1 and 13.2. The generic claims define the same or corresponding special technical features.

Withdrawal of the requirement and examination of all the claims on the merits are respectfully requested.

Respectfully submitted,

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